

ENTERED

October 03, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONAPRIL M. FLORES, INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE OF
RICARDO TREVINO III, DECEASED,

Plaintiff,

VS.

THE CITY OF SAN BENITO, TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:20-CV-169

ORDER

Plaintiff April M. Flores, as mother of Ricardo Trevino III and as the representative of his estate, filed this lawsuit after police officers fatally shot Trevino following a vehicular chase. Flores initially brought various causes of action against numerous law enforcement officers, in their individual and official capacities, and against the City of San Benito and Cameron County. This Court previously has dismissed most of Flores's claims. (*See* Orders, Docs. 44, 60, 76, 78) Flores remains with excessive force claims against San Benito Chief of Police Michael Galvan, four San Benito Police Department Officers (Victor Espitia, Jose Santos, Oscar Lara, and Manuel Alvarez), and Cameron County Deputy Constable Jose Angel Villareal, all in their individual capacities.

In June 2022, the remaining Defendants moved for summary judgment on Flores's claims. (SBPD Officers Motion, Doc. 92; Galvan Motion, Doc. 97, Villarreal Motion, Doc. 98) Flores timely responded to SBPD Officers' Motion and Villarreal's Motion, but did not respond to Galvan's Motion. (Resp. to SBPD Officers Motion, Doc. 99; Resp. to Villarreal Motion, Doc. 101) In July, a Magistrate Judge issued a Report and Recommendation, recommending that the three Motions be granted. (R&R, Doc. 110) Flores timely filed Objections (Doc. 111).

"Parties filing objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court." *Battle v. U.S.*

Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (alteration omitted) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982)).

Here, Flores's filing presents, at best, a general objection. Flores fails to object to any specific portion of the Report and Recommendation, and largely repeats the substance of her responses to the various motions for summary judgment. She presents no objections sufficiently specific for the Court to consider.

The Court finds no plain error in the Report and Recommendation.¹

The Court **ADOPTS** the Report and Recommendation (Doc. 110). Accordingly, it is:

ORDERED that Defendants San Benito Police Department Officers' Motion for Summary Judgment (Doc. 92) is **GRANTED**;

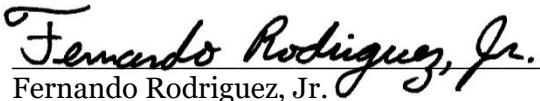
ORDERED that Defendant Michael Galvan's Motion for Summary Judgment (Doc. 97) is **GRANTED**;

ORDERED that Defendant Jose A. Villareal's Motion for Summary Judgment (Doc. 98) is **GRANTED**; and

ORDERED that all of Plaintiff April M. Flores's remaining claims against Defendants San Benito Chief of Police Michael Galvan; San Benito Police Department Officers Victor Espitia, Jose Santos, Oscar Lara, and Manuel Alvarez; and Cameron County Deputy Constable Jose Angel Villareal, in their individual capacities, are **DISMISSED WITH PREJUDICE**.

The Court will separately issue a Final Judgment in accordance with this Order and previous Orders of the Court.

Signed on October 3, 2022.


Fernando Rodriguez, Jr.
United States District Judge

¹ Even if Flores had submitted sufficiently specific objections to the Report and Recommendation, the Court would have found on a *de novo* review that the Report and Recommendation correctly applies the applicable law to the summary judgment record. The Court would reach the same conclusion as within this Order.